

REMARKS/ARGUMENTS

Claims 1-25 stand in the present application, claims 2-5 and 10-25 having been allowed and claims 1 and 6-9 having been rejected. Applicant notes with appreciation the Examiner's indication of allowable subject matter in this case but respectfully submits that in view of the following remarks that all of claims 1-25 are in condition for allowance.

In the Office Action, the Examiner has rejected claim 6 under 35 U.S.C. § 112, second paragraph. More particularly, the Examiner has rejected claim 6 because he alleges that it contains the phrase "or the like." However, as can be seen in the Amendment dated February 20, 2003, claim 6 does not contain the objected to phrase "or the like." Accordingly, it is respectfully submitted that the Examiner's § 112, second paragraph, rejection of claim 6 is in error and Applicant respectfully requests that it be withdrawn.

The Examiner has also rejected claims 1 and 6-9 under 35 U.S.C. § 103 as being obvious over the Weisfield et al. patent. Applicant respectfully traverses the rejection.

In rejecting claims 1 and 6-9 over Weisfield et al., the Examiner states "the shielding layer 280 forms the upper light shielding layer and has a convex shape having a bulging portion with the bulging portion in a direction opposite and protruding toward the gate electrode 254." (See Office Action at page 2.) The Examiner then goes on to admit that Weisfield et al. lacks a lower light shielding layer but argues that it would have been obvious to have one.

Although the Examiner talks about "shielding" layers, Applicant's invention actually discloses and claims upper and lower shading layers. Moreover, as is clear from the present specification the shading layers allow for the reflection of light which impinges thereon. To the contrary, Weisfield et al. discloses a dark matrix layer 280 and not a shading layer (nor a shielding layer as stated by the Examiner in the Office Action). The dark matrix layer is defined at column 5, lines 26-33, of the cited reference as a material which blocks light by absorbing the light or otherwise preventing the light from being transmitted or reflected.

Thus, Weisfield et al. does not teach or suggest upper or lower shading layers as required by present claims 1 and 6-9. Moreover, what the Examiner has termed a "shield layer," i.e., dark matrix layer 280 shown in Figure 7 of the cited reference, cannot in any way constitute a shading layer since as defined in the cited reference a dark matrix layer does not reflect light. Accordingly, claims 1 and 6-9 are believed to patentably define over the cited reference.

Therefore, in view of the above remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-25, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response

FUKUSHIMA
Appl. No. 09/663,672
March 3, 2004

or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Chris Comuntzis
Reg. No. 31,097

CC:lmr
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100